In the Supreme Court of the United States.

OCTOBER TERM, 1909.

STANDARD OIL COMPANY OF NEW JERSEY et al., appellants,
v.
THE UNITED STATES, APPELLEE.
} No. ——

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE EASTERN DIVISION OF THE EASTERN JUDICIAL DISTRICT OF MISSOURI.

MOTION TO ADVANCE.

This cause was brought under the antitrust act of July 2, 1890, in the Circuit Court of the United States for the Eastern Division of the Eastern Judicial District of Missouri, against John D. Rockefeller, William Rockefeller, Henry H. Rogers, Henry M. Flagler, John D. Archbold, Oliver H. Payne, Charles M. Pratt, the Standard Oil Company of New Jersey, and some seventy other corporations, limited partnerships or copartnerships; it being alleged that the defendants were engaged in the business of production and purchase of crude petroleum from the wells, its transportation by rail and pipe lines, its refining and manufacturing, and the sale and

transportation of its products throughout the United States and its exportation to foreign countries, and that the said defendants conspired and confederated for the purpose of combining all the said companies in restraint of trade, in violation of section 1 of said act, and for the purpose of monopolizing commerce, in violation of section 2 of said act.

It appears that the Standard Oil Company of New Jersey, as a holding company, owns and controls the stocks of said other corporations, and the court below found that the same constituted a combination and a monopoly in violation of said act, and entered a decree adjudging that the Standard Oil Company of New Jersey, the seven individual defendants, and some thirty-seven of the subsidiary corporations engaged in the commerce in petroleum between the States and with foreign nations have entered into and are operating a combination or conspiracy in restraint of trade, in violation of section 1 of said act, and have combined and conspired to monopolize, and have secured thereby an unlawful monopoly of, a substantial part of interstate and international commerce, in violation of section 2 of said act; and the court enjoined the Standard Oil Company of New Jersey from voting any stock in said corporations, and the said corporations from declaring or paying any dividends to the Standard Oil Company of New Jersey, or permitting the said Standard Oil Company of New Jersey to

direct the policy of any of said companies or to exercise any control whatever over their corporate acts. The individual and corporation defendants are also enjoined from evading said decree by entering into any like combination in the future, and from engaging in interstate commerce in petroleum during the continuance of the illegal combination.

Said decree was entered on November 20, 1909, and contained the following clause:

> This decree shall take effect thirty (30) days after its entry in case no appeal is taken from it. If an appeal is taken from this decree by the defendants, or by any of them, and a bond in the amount of fifty thousand dollars ($50,000.00) conditioned to operate as a supersedeas, approved by one of the circuit judges, is given within thirty days after the entry of this decree, then this decree, unless reversed or modified, shall take effect thirty (30) days after the final decision of this case by the Supreme Court upon the appeal.

Acting under authority of the act of February 11, 1903, "To expedite the hearing and determination of suits in equity * * * under the act of July 2, 1890," etc., the Attorney-General filed a certificate stating that in his opinion the cause was of general public importance, and thereafter the same was proceeded with as directed by the expediting act. It was heard before the four circuit judges of the Eighth Circuit in April, 1909,

and the opinion was the unanimous opinion of the said judges, there also being a concurring opinion of Judge Hook; copies of which said opinions and decree are submitted herewith.

The cause is one of those the expediting of which is provided for by the act of February 11, 1903, and, moreover, is of great and general importance. It involves questions of grave public interest affecting industrial combinations under the act of 1890, and its early determination is very desirable.

The record in said cause was printed in the court below in compliance with the rules of the Supreme Court of the United States, and the required number of copies thereof have been filed in this court, so that no reprinting of the record is necessary. Said cause was thoroughly briefed and argued by counsel in the court below, and can be prepared for argument in this court at an early date.

In behalf of the Government we respectfully ask that the cause be advanced and assigned for hearing as soon as the convenience of the court will permit. Appellants give their consent to an assignment not earlier than March 1.

GEORGE W. WICKERSHAM,
Attorney-General.

LLOYD W. BOWERS,
Solicitor-General.

JANUARY, 1910.

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